

Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

MST-2322.1

First Named Inventor

G.A. Farrell

Examiner Name

D. Handy

Group Art Unit

1743

Express Mail Label No.

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d)
(continued prosecution application (CPA)) of prior application number 09 / 549,036
filed on April 13, 2000, entitled Variable Rate Particle Counter

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(e).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
the 09/549,036 inventor(s) named in the prior nonprovisional application:
740-00 CH
35-00 CH
4. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

05/23/2002 H.M. 000004 13370 954103 01 FC:117

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0661-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.18(c) or (f))		22 -20* =	2	x \$ 18.00 =	\$ 36.00
INDEPENDENT CLAIMS (37 CFR 1.18(b) or (f))		3 -3** =	0	x \$ 84.00 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.18(d))				+ \$ 270.00 =	
				BASIC FEE (37 CFR 1.16)	\$ 740.00
				Total of above Calculations =	776.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					
TOTAL =					776.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13-3370:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$_____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: _____

NOTE:

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print I/Type)

John M. Paulino

Signature

Registration No. (Attorney/Agent)

40,340

Date

May 8, 2002

PTO/SB/17 (11-01)

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FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 776

Complete if Known

Application Number	09/549,036
Filing Date	April 13, 2000
First Named Inventor	G.A. Farrell
Examiner Name	D. Handy
Group Art Unit	1743
Attorney Docket No.	MST-2322.1

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Deposit Account:		Large Entity Small Entity	
Deposit Account Number: 13-3370		Fee Code Fee (\$)	
Deposit Account Name: Bayer Corporation		Fee Description	
The Commissioner is authorized to: (check all that apply)		Fee Paid	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments			
<input type="checkbox"/> Charge any additional fee(s) during the pendency of this application			
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.			
FEE CALCULATION			
1. BASIC FILING FEE			
Large Entity Small Entity			
Fee Code Fee (\$)		Fee Description	
Fee Paid			
101 740 201 370 Utility filing fee		740	
106 330 206 185 Design filing fee			
107 510 207 255 Plant filing fee			
108 740 208 370 Reissue filing fee			
114 160 214 80 Provisional filing fee			
SUBTOTAL (1) (\$) 740			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE			
Total Claims: 22		Extra Claims: 2	
Independent Claims: 3		Fee from below: 18	
Multiple Dependent: 19		Fee Paid: 36	
Large Entity Small Entity			
Fee Code Fee (\$)		Fee Description	
Fee Paid			
103 18 203 9 Claims in excess of 20			
102 84 202 42 Independent claims in excess of 3			
104 280 204 140 Multiple dependent claim, if not paid.			
109 84 209 42 ** Reissue independent claims over original patent			
110 18 210 9 ** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$) 36			
**or number previously paid, if greater; For Reissues, see above			
3. ADDITIONAL FEES			
Large Entity Small Entity			
Fee Code Fee (\$)		Fee Description	
Fee Paid			
105 130 205 65 Surcharge - late filing fee (per month)			
127 50 227 25 Surcharge - late provisional filing fee (per cover sheet)			
139 130 139 130 Non-English specification			
147 2,520 147 2,520 For filing a request for <i>ex parte</i> reexamination			
112 920* 112 920* Requesting publication of SIR prior to Examiner action			
113 1,840* 113 1,840* Requesting publication of SIR after Examiner action			
115 110 215 55 Extension for reply within first month			
116 400 216 200 Extension for reply within second month			
117 620 217 460 Extension for reply within third month			
118 1,440 218 720 Extension for reply within fourth month			
128 1,980 228 980 Extension for reply within fifth month			
119 320 219 160 Notice of Appeal			
120 320 220 160 Filing a brief in support of an appeal			
121 280 221 140 Request for oral hearing			
138 1,510 138 1,510 Petition to institute a public use proceeding			
140 110 240 55 Petition to revive - unavoidable			
141 1,280 241 640 Petition to revive - unintentional			
142 1,280 242 640 Utility issue fee (or reissue)			
143 460 243 230 Design issue fee			
144 620 244 310 Plant issue fee			
122 130 122 130 Petitions to the Commissioner			
123 50 123 50 Processing fee under 37 CFR 1.17(q)			
126 180 126 180 Submission of Information Disclosure Stmt			
581 40 581 40 Recording each patent assignment per property (times number of properties)			
146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))			
149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))			
179 740 279 370 Request for Continued Examination (RCE)			
169 900 169 900 Request for expedited examination of a design application			
Other fee (specify):			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	John M. Badino	Registration No. (Attorney/Agent)	40,340
Signature		Telephone	(914) 524-2552
		Date	May 8, 2002

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LAW & PATENTS
511 Benedict Avenue
Tarrytown, NY 10591

FAX COVERSHEET

Date:	May 8, 2002	No. of Pages:	6
To:	Examiner D. Handy	From:	John M. Paolino
Co.:	Art Unit 1743 - USPTO	Fax:	(914) 524-2552
Fax:	(703) 872-9310	Tel:	(914) 524-2094
Tel:	(703) 305-0211	e-mail:	john.paolino.b@bayer.com

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